THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 14820 OF 2007

Dated 7th September, 2007

Between:

Unemployed I.T.I. Technicians and Workers Association, represented by its Secretary, P.Srinivasa Rao, Gujjanagulla, Guntur.

…Petitioner.

And

Southern Power Distribution Company of Andhra Pradesh Ltd. (APSPDCL), Tirupathi, represented by its Chairman and Managing Director, Tirupathi and others.

…Respondents.

ORAL ORDER:

Though the matter is at the stage of admission, but as counter affidavit is filed, the writ petition is being disposed of.

The petitioner is Unemployed I.T.I.Technicians and Workers Association. The respondent – Distribution Company invited tenders for carrying out maintenance of 33/11 KV sub-stations. The petitioner was one of the tenderers and he was awarded contract to maintain 33/11 sub-stations at Autonagar, Sangadigunta, Etukuru Road, Krishna Nagar, Dasaripalem, Brodipet, Super Bazar in Guntur Division, Nidubrolu, Kakumanu, Angalakuduru in Tenali Division, and Sattenapalli in Narasaraopet Division in Guntur District. In view of the acceptance of the bid, an agreement was entered into for such maintenance from 1.5.2007 to 31.3.2008.

In this writ petition, it is the grievance of the petitioner that respondents are taking steps for allotting some operators to work in the sub-stations which are being handled for maintenance by the petitioner in view of the existing contract and the same is in violation of the terms and conditions of the Articles of Agreement, particularly condition No.30, which reads as follows:

> "The successful tenderer shall be responsible for recruiting employees at his choice. Under no circumstances, the employee of the successful tenderers shall be considered as APSPDCL employee and claim remuneration on par with scales of APSPDCL employees. The tenderer shall make it clear to the labourers engaged by him that they are his labour and APSPDCL has nothing to do with their employment or any other claim."

No orders are passed by the respondents posting such personnel as operators in the sub-stations being maintained by the petitioner. But, however, it is stated that without passing any orders, such postings are being made.

In the counter affidavit filed on behalf of the respondents, it is

stated that on mere apprehension, the petitioner has approached this court and no action has been taken for posting of any Junior Lineman in the sub-stations being manned by the petitioner. It is further stated that as per the terms and conditions of the contract between the petitioner and the respondents, the petitioner has to engage the personnel.

As much as it is stated in the counter affidavit that no orders have been passed for allotting any of the operators in the sub-stations maintained by the petitioner and no action has been initiated by the respondents for that purpose and on mere apprehension the petitioner approached this court, I dispose of the writ petition by recording the said stand taken in the counter affidavit. But, however, the petitioner shall operate by engaging the operators as per the terms and conditions of the contract. It is made clear that if there is any violation of the agreed terms, it is open for the respondents to take steps as per the terms of the agreement. No costs.

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7-9-2007

R.SUBHASH REDDY, J.

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